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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,069	04/20/2004	Lawrence Lile	09741620-0505	6795
26263	7590 11/30/2005		EXAMINER	
SONNENS P.O. BOX (	SCHEIN NATH & ROS	SENTHAL LLP	PASCHALL	, MARK H
WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			ART UNIT	PAPER NUMBER
			3742	
			DATE MAIL ED: 11/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Esthetistics from reply be aniability under the provision of 37 CFR 1138(b), into event, nover, may a reply be timely filled.  If NO pend for reply is specified above, the maximum statistory princed will apply and will expire SIX (5) MONTHS from the mailing date of this communication. Failurs to reply which the size of severed period for reply will by statistic scene the application for 50 U.S.C. § 133). An interpretable of the Office liter flush the months after the mailing date of this communication, even if timely filled, may reduce any severed patent than subjections. Set of CFR 1748(c) and the mailing date of this communication, even if timely filled, may reduce any severed patent than subjections. Set of CFR 1748(c) and the mailing date of this communication, even if timely filled, may reduce any severed patent than speciment. Set 37 CFR 1748(c) and the mailing date of this communication, even if timely filled, may reduce any severed patent than speciment. Set 37 CFR 1748(c) and the mailing date of this communication, even if timely filled, may reduce any severe and the mailing date of this communication, even if timely filled, may reduce any severe and the mailing date of this communication.  Status  Status  Status  Status  Claim (s) 24-31 is/arre pending in the application.  4) Claim (s) 24-31 is/arre pending in the application.  4) Claim (s) 24-31 is/arre pending in the application.  4) Claim (s) 24-31 is/arre allowed.  5) Claim (s) 24-31 is/arre allowed.  6) Claim (s) 24-31 is/arre allowed.  7) Claim (s) 24-31 is/arre pending in the application.  8) Claim (s) 24-31 is/arre allowed.  8) Claim (s) 24-31 is/arre pending in the application.  9) The specification is objected to by the Examiner.  10) The proving (s) filled on 20 April 2004 is/arre: a) and calculation requirement.  Application Papers  9) The proving specified and specified and specified an		Application No.	Applicant(s)				
Mark H. Paschall  3742  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  1 No period for raply is pecified above, the maintens statutory prior day of the state state by the state state of the state state of the state of t	Office Action Commence	10/829,069					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  **and SIX (9) MONTHS from the mailing date of this communication.  **IN Depends or exply is specified above, the maximum status or provided prepared for righy will, by status, cause the application to become ANAHODMED (30 U.S. 5, 133).  **IN Depends or exply is specified above, the maximum status or provided prepared for the communication.  **Failure to exply whith the set or extended prepared for righy will, by status, cause the application to become ANAHODMED (30 U.S. 5, 133).  **Green this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex partie Quayle*, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4) Claim(s) 24-31 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8)							
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be available under the provisions of 37 GFR 11360, in no event however, may a reply be timely filled after SIX (6) MONTHS from the making date of this communication.  Failurs to reply which the soft or extended period for regive Life y stating, capture that application is the making date of this communication.  Failurs to reply which the soft or extended period for regive Life y stating, capture that application (Fig. 19.1.5.1.5.1.5.1.5.1.5.1.5.1.5.1.5.1.5.1	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
1) Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>						
2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 24-31 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5)  Claim(s) 24-31 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 20 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * o) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Status						
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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 30 includes the step of opening a crumb tray, and it is vague and indefinite in that this step has no connection or correlation to the claimed apparatus in the claimed method. For instance it is not clear whether the apparatus in claim 24 can, or does include the capacity to have a crumb tray. Correction is required.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moore 022'. Note the abstract IN Moore which defines a counter in a household appliance, an oven, which counter upon reaching a settable count, emits an audio or visual indication to the operator. See column 9, elements 144 and 145. As per claim 29 note that the counter is reset in Moore, thereby satisfying the claimed step.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore. Barring further description of what a crumb tray is and how it correlates to the present invention, the oven door in Moore could be opened and crumbs would be removed by mere cleaning of the oven. As per claim31, it is obvious that bread may be toasted in a conventional oven, as commonly takes place, and it is obvious that Moore teaches a conventional oven.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tompkins et al, Lile, Brun et al and Finner et al are cited for disclosing control systems of interest. Note counter system in Brun et al, in particular.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark H Paschall Primary Examiner Art Unit 3742

Mp